

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

|                                    |   |            |
|------------------------------------|---|------------|
| JAMES TOMMY EIDSON, JR.,           | ) |            |
|                                    | ) |            |
| Plaintiff,                         | ) |            |
|                                    | ) |            |
| v.                                 | ) | CV 319-048 |
|                                    | ) |            |
| OFFICER DANIELS; STATE OF GEORGIA; | ) |            |
| OFFICER MONTGOMERY; OFFICER        | ) |            |
| MARSHALL; and GEORGIA              | ) |            |
| DEPARTMENT OF CORRECTIONS,         | ) |            |
|                                    | ) |            |
| Defendants.                        | ) |            |

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**MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

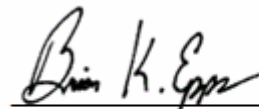
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Plaintiff, an inmate at Telfair State Prison in Helena, Georgia, has submitted to the Court for filing a complaint brought pursuant to 42 U.S.C. § 1983, and requested permission to proceed *in forma pauperis* (“IFP”). On June 19, 2019, the Court directed Plaintiff to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty days and advised Plaintiff that all prisoners, even those proceeding IFP, must pay the filing fee of \$350.00 in full. 28 U.S.C. § 1915(b)(1). (Doc. no. 4.) Plaintiff was cautioned that failure to respond would be an election to have this case voluntarily dismissed without prejudice. (See *id.*) On July 8, 2019, the Court received Plaintiff’s IFP papers. (Doc. nos. 5-6.) However, Plaintiff’s Consent to Collection of Fees form was not signed or dated. (Doc. no. 6.) On July 11, 2019, the Court directed Plaintiff to return a properly completed Consent to Collection of Fees form by July 26, 2019. (Doc. no. 8.) The time to

respond has passed, and Plaintiff has not submitted the documents required by the Court's June 19 and July 11, 2019 Orders, nor has he provided the Court with any explanation why he has not complied.

Plaintiff cannot proceed IFP unless he submits the requisite Trust Fund Account Statement and consents to the collection of the entire \$350.00 filing fee in installments. Wilson v. Sargent, 313 F.3d 1315, 1319, 1321 (11th Cir. 2002) (citing 28 U.S.C. § 1915). Plaintiff has been warned that failing to return the necessary IFP papers would be an election to have his case voluntarily dismissed. As Plaintiff has neither fulfilled the requirements for proceeding IFP, nor paid the filing fee, the Court **REPORTS** and **RECOMMENDS** this case be **DISMISSED** without prejudice, and this civil action **CLOSED**.

SO REPORTED and RECOMMENDED this 8th day of August, 2019, at Augusta, Georgia.



BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA